



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 332]

CHENNAI, MONDAY, OCTOBER 14, 2024
Purattasi 28, Kurothi, Thiruvalluvar Aandu-2055

Part V—Section 4

Notification by the Election Commission of India

ORDER OF THE ELECTION COMMISSION OF INDIA

DISQUALIFICATION OF THIRU K.SUNDHARA MOORTHY CANDIDATE CONTESTED FROM 98- ERODE (EAST) ASSEMBLY CONSTITUENCY IN BYE-ELECTION TO LEGISLATIVE ASSEMBLY OF TAMIL NADU, 2023 FOR FAILURE TO LODGE THE ACCOUNTS OF ELECTION EXPENSES UNDER SECTION 10-A OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 BY THE ELECTION COMMISSION OF INDIA.

No. SRO G-35/2024.

The following order of the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110 001, dated.30th September, 2024 [08 Ashwin, 1946 (Saka)] is re-published:-

No.76/TN-LA/98/BYE/2023/CEMS-II

WHEREAS, the Bye Election to Legislative Assembly of Tamil Nadu, 2023 for 98 – Erode (East) Assembly Constituency was held in pursuance of the Election Commission of India Notification No. 100/TN-LA/1/2023, dated 31st January, 2023; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be a true copy of the account kept by him or his election agent under Section 77 of the said act; and

WHEREAS, the result of the Bye-election for **98 – Erode (East)** Assembly Constituency of Tamil Nadu, 2023 was declared by the Returning Officer on 02nd March, 2023 and hence the last date for lodging the account of Election Expenses was 01st April, 2023; and

WHEREAS, as per the report dated 11.04.2023 of District Election Officer, **Erode** under sub rule (1) of Rule 89 of the Conduct of Elections Rules, 1961 received through the CEO, Tamil Nadu *vide* his letter no. 486/Ele-IV/2023-11, dated 13.04.2023 stating that **K. Sundhara Moorthy**, a contesting candidate from **98-Erode (East)** Assembly Constituency in Bye Election to Legislative Assembly of Tamil Nadu, 2023 has failed to lodge account of election expenses within the prescribed time (delay of 02 days), as required under law and

WHEREAS, on basis of the said report of the District Election Officer, **Erode**, a 'Show-Cause Notice' No. 76/TN-LA/98/BYE/2023/CEMS-II, dated 10th August, 2023 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to **K. Sundhara Moorthy**, for not lodging the account of Election Expenses within the prescribed time; and

WHEREAS, through the above said 'Show Cause Notice' and under sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, **K. Sundhara Moorthy** was directed to submit his representation in writing to the Commission explaining the reasons for not lodging the account within the prescribed time with the District Election Officer, **Erode** within 20 days from the date of receipt of the notice; and

WHEREAS, the District Election Officer, **Erode** in his report no.1232/2023/K1; dated 18.10.2023 reported that the Show Cause Notice served to **K. Sundhara Moorthy** through registered post on **26.08.2023**; and

WHEREAS, the District Election Officer, **Erode** in his Supplementary Reports no.1232/2023/K1, dated 22.12.2023 and 31.01.2024 on account of candidate received through CEO Tamil Nadu letters No. 486/Ele-IV/2023-20, dated 02.01.2024 and no.486/Ele-IV/2023-22; dated 17.02.2024 has reported that **K. Sundhara Moorthy** has not submitted any representation on delayed submission of account of his election expenses. Further, after receipt of the said notice, **K. Sundhara Moorthy** has neither furnished any reason nor explanation to the Election Commission of India for failure to lodge the account of his election expenses on time as prescribed under law, and

WHEREAS, Section 10A of the Representation of the People Act, 1951 provides that:

"If the Election Commission is satisfied that a person-

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure.

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.";

WHEREAS, on basis of the facts and available records, the Commission is satisfied that **K. Sundhara Moorthy** has failed to lodge his account of election expenses in the prescribed time and has no good reason or justification for the failure to do so, and

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares **K. Sundhara Moorthy, resident of 1/52, Nadutheru, Panaiyur(Post), Thiruchuli(TK), Virudhunagar (DT)** and a contesting candidate from 98-Erode (East) Assembly Constituency in Bye Election to Legislative Assembly of Tamil Nadu, 2023, to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order.

To

K. Sundhara Moorthy,
1/52, Nadutheru,
Panaiyur(Post), Thiruchuli(TK),
Virudhunagar (DT).

(By Order)

SUJEET KUMAR MISHRA,
Secretary,
Election Commission of India.

Secretariat,
Chennai-600 009,
14th October, 2024.

SATYABRATA SAHOO,
Chief Electoral Officer and
Principal Secretary to Government,
Public (Elections) Department.